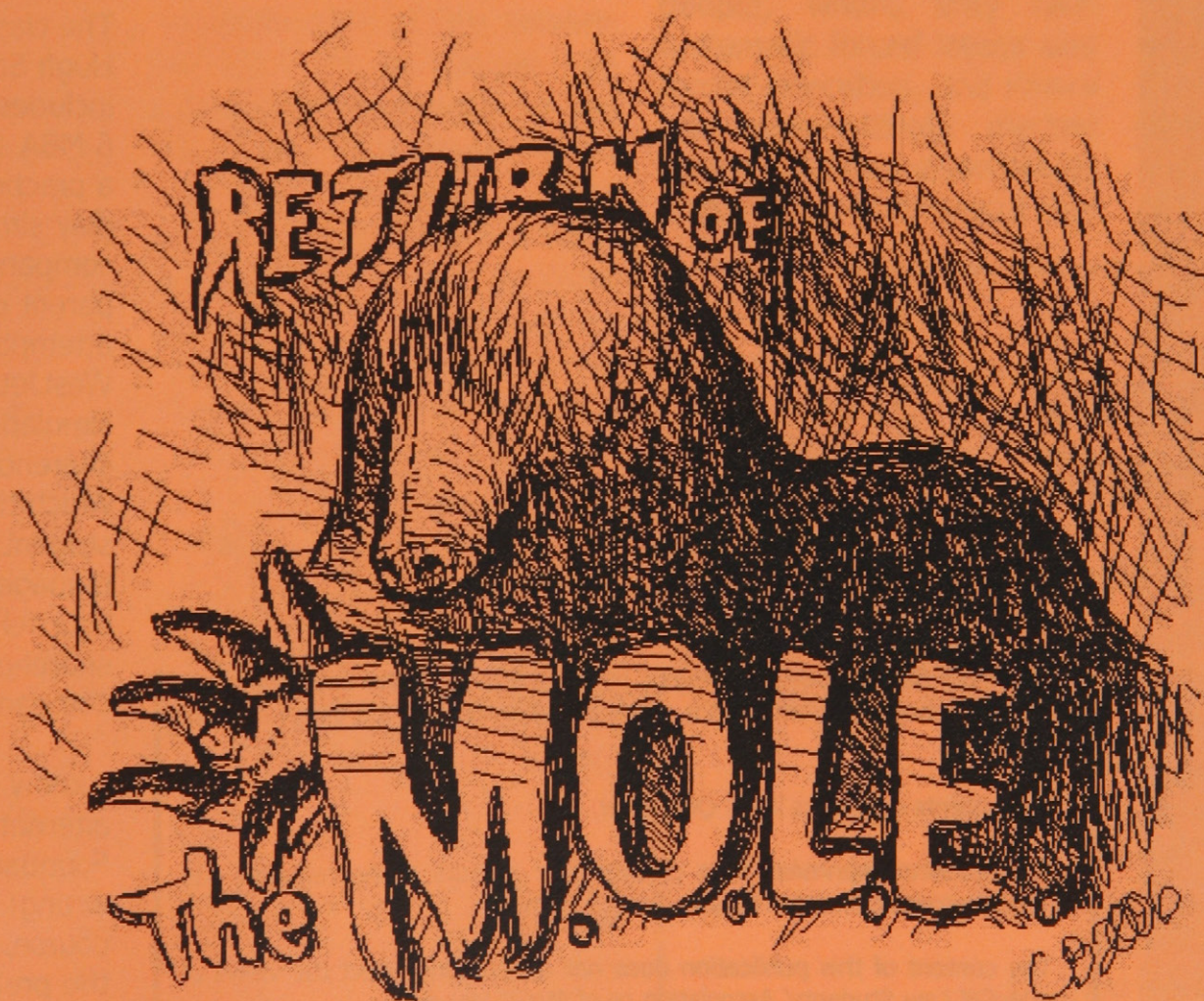


# QUID NOVI

*McGill University, Faculty of Law*  
*Volume 26, no. 20, 28 March 2006*



# QUID NOVI

3661 Peel Street  
Montréal, Québec  
H2A 1X1  
(514) 398-4430  
quid.law@mcgill.ca  
www.law.mcgill.ca/quid

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**Assistant Editors-in-Chief**

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**Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca**

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Contributions should preferably be submitted as a .doc attachment.

# EDITORIAL

**Announcement:**

## Art of the Deal

**Special Shareholders' Meeting**

**This Friday, 4:30 P.M.  
Moot Court**

Just wanted to remind everyone - students, staff, and Faculty - that the student-initiated seminar "Anatomy of a Deal" (a.k.a. Art of the Deal) is going public this Friday at 4:30 P.M. in the Moot Court.

The class, put together by Hugh Sandler and myself, includes 12 law students and 6 MBA students. The class is a practical, hands-on, role-play simulation of a public company acquisition (AMR, parent of American Airlines, is attempting to acquire WestJet). On Friday, we are simulating a special shareholders' meeting at which the Law and MBA students (role playing management and legal counsel) must convince the shareholders of each company to approve the deal.

I know -- it sounds like an alternative assignment from Foundations gone terribly wrong! The purpose of the course, however, is not really the pretend-deal at stake. Rather, it is to provide Law and MBA students a chance to try on the roles they will later play professionally. The point is to make education relevant by making it performative, blending theory and practice into one.

Curious? Come check it out this Friday!  
-- J.M.

## SUPPORTING LOCAL VOICES

By Claire Gilchrist (Law I)

In the March 21st issue of the Quid, the editorial consisted of a list of majorly messed up facts of American life and acts committed by U.S. citizens. The list was a reproduction of news items from the Weekly Review section of the U.S. political magazine Harper's. My first reaction to the article was a terrible sadness. What is the deal with my country? Then I became angry. Why would the Quid editorial board reprint an article reducing terrible tragedies to easily digestible factoids? Quickly consumed and quickly forgotten. After my anger died down however, my next thought was, where does this editorial leave readers of the Quid?

We are powerless in the face of such facts. Undoubtedly, it is important for all people of the world to be aware of how U.S. actions or other countries actions may negatively impact their lives and to resist. But whether this article is meant as a call to action or simply news, it doesn't leave students with any entry point for discussion. There is no agency here - the author of the article is not a part of this community. Where is voice of students at this faculty?

I will be the first to admit that I have a romantic vision of what it means to be going to school in Canada. I

am seduced by the siren song of community, respect for public spaces and the public sector, and general "goodness." Yet I am no fool. I know that oppression exists here, and that communities struggle on a daily basis for recognition, respect, and autonomy. What I don't understand is why student's feelings on these local issues are generally absent from the Quid.

Perhaps part of the answer is that it is easier to compare ourselves to an external standard than critically analyze what action is required in a local context. I would propose that the standard of "we are not as bad as them" is not good enough. And that "we are better than them" is no consolation. Such thinking neglects the realities of people's daily lives. More importantly, it does nothing to address how students can engage with the community they are a part of.

I like the Quid for the main reason that I get to hear the voices of the people in this faculty. It is my hope that the Quid will remain a space for the voice of the students here, and not for the wholesale reprinting of U.S. political magazine articles. Let's give value to our voices, and lend power to our speech. Together we can develop the student voice of this faculty. ■

## Of Freedom, Burma, and Poster Defacement

By Kathleen Hadekel (Law I)

It is the second time that we have put up posters in the Faculty advertising Free Burma benefit concerts. And for the second time, someone has felt the need to remind us that we are freeing Burma "from the Burmese".

I would hope that the current state of affairs in Burma is not what is up for debate. In a country where civilians are prohibited from gathering publicly in groups of over four people, where they face systematic forced labour and forced relocation, and where the democratically elected leader has been under house arrest for over ten years, can

we really speak of freedom?

So, shall we insult those who are fighting for democracy in Burma by fighting over a question of semantics? No, Burma is not under foreign occupation, as "Free Burma" might suggest. We made use of a catch phrase to convey the message that the Burmese people are not free in a more fundamental sense.

Next time we'll make sure not to offend anyone's literalist sensibilities. "Free the Burmese people from the Burmese military dictatorship!" Now that's catchy. ■

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# LSA REPORTS

By Andrés Drew (LSA President)

**W**ell, the academic year is drawing to a close and the LSA is beginning its transition period. I am certain that Kara Morris and the incoming executive will make the 2006-07 academic year a great success. I am confident that the incoming executive will pursue the great tradition of excellence in governance that has characterized LSA over the last few years.

Despite losing the Faculty of the Year Award to MUS, our nomination is a testament to the hard work and quality of the individuals that made up this year's LSA executive. I would like to personally thank, Mel, Hans, Steph, Nat, Joe, Martin, Kara and Neil for their dedication and for making my Presidency an enjoyable one. Not only have we accomplished great things, but we have also built what I foresee to be long lasting friendships. I also wish to express my profound gratitude to members of the LSA Council and LSA Committees for their persistence and enthusiasm.

J'aimerais ajouter que les nombreux succès de notre AED de cette année n'auraient pas été possibles sans l'implication de plusieurs membres de la Faculté ainsi que son personnel. Ces derniers nous ont appuyés à chaque étape de notre aventure. Par exemple, le Doyen de notre Faculté nous a assistés lors de circonstances tantôt faciles, tantôt difficiles. Je me considère chanceux d'avoir pu collaborer avec un homme si dévoué à la réalisation des objectifs qu'il vise. Il fut un grand plaisir de travailler aux côtés de les Vice-doyennes Lyn, Bélanger et Saumier. Marie-Hélène Di Lauro et Margaret Baratta furent très impliquées dans les rénovations de la Faculté. Micheal Cantwell, Tania Chugani et Maria Marcheschi ont pour leur part contribué de manière substantielle pour s'assurer que la présence des anciens soit plus vivante au sein de la Faculté, en plus d'apporter des idées pour le "Launch the Lounge Project" et le "Class Action Fund". Notons que Linda Coughlin,

Eileen Parle, Grace Cartwright et Thomas Chalmers ont soutenu, et ce, sans réserves, tous les clubs et comités de l'AED au courant de cette année!

Puisque je ne veux pas risquer de perdre votre précieuse attention en vous exposant toutes les réalisations nées de notre passion à rendre votre Faculté un meilleur endroit, j'invite les intéressés à visiter le site de l'AED! Sous mon rapport semestriel, vous y trouverez une liste non-exhaustive de l'année qui tire à sa fin: <http://www.law.mcgill.ca/lisa/whoarewe.htm>.

I'd like to briefly list some notable recent accomplishments:

1. Institutionalization of the Class Action Fund and Graduation Administrative Affairs Committee in the LSA By-Laws
2. Institutionalization of the Student Mental Well-Being Committee in the LSA by-laws.
3. Updating of the LSA Constitution

4. Finalizing Lounge Project financing and planning. Project should be completed by September 2006.

5. Finalizing of Financing for the installation of wireless routers in the classrooms of NCDH.

6. Installation of lights and plugs in basement of NCDH and rm. 202. Installation of computer lab in upper-atrium.

As expected, an institution doesn't always achieve its goals. Therefore, next year look for the approval of a French language version of the LSA Constitution, and discussions over the restructuring and financing of the Career and Placement Office.

Thank you all for providing me with a challenging managerial environment-I no longer feel the need for an MBA. I look forward to being a great trustee of the 4th year class along with my colleague Jarom Bittom.

Merci!■

By Melissa Pang (VP Finance)

**A**s VP Finance, my primary function was to keep the LSA accounts balanced. I was able to cut costs in regards to insurance and telecommunications, and contributed to plans for renovating the Faculty (note the new Atrium computer lab, the comfortable couches, the refinished tables... and look out for the new student lounge in

September!).

My portfolio further involves sitting on the Dean's Discretionary Committee, which gave out \$11,747.40 to student initiatives throughout the school year. I was also responsible for managing some LSA clubs' budgets, and sat on the LSA/SSMU Parity Committee, which allocated

over \$12,502.51 to LSA clubs. As part of the Student Ancillary Fee Committee, we came up with new by-laws to ensure a fair and accountable process that student clubs must go through in order to be entitled to referenda for a raise in student fees. I also sat on the Computer Committee, which will be supplying wireless access to all of New Chancellor

Day Hall as of next fall.

Finally, I participated in the Graduation Committee to organize the Law Formal, which for the first year is open to the whole faculty (so buy your tickets quickly!). I am deeply appreciative of the amazing team I got to work with, who made the hard work a lot of fun!■

# LSA REPORTS

By Joseph Hillier (VP Public Relations)

**W**ell, the academic year is drawing to a close and the LSA is beginning its transition period. I am certain that KThe year has definitely kept me busy with a number of initiatives that have built upon the strong foundations provided by last year's VP. To start from the beginning, Orientation was a great success thanks almost entirely to an outstanding Orientation Chair and Committee. The event was both well-attended and well-sponsored by a number of firms large and small, from Québec and elsewhere.

This year's BOGENDA, although published later than expected, was supported by a diverse group of firms. This year we did all of the ads in colour and provided more space for law firms to get involved.

As many of you may be aware, the Coffee House scene changed somewhat this year, with two new partner firms from south of the border as well as some first-timers from Québec. In conjunction with this expansion in spon-

sorship initiatives, the Lunch in the Atrium program was also very successful with excellent attendance by the students and strong support from the law firms involved. This initiative has the potential to grow even larger as a number of firms have expressed interest in it for next year. These initiatives also supported the newly established McGill Legal Community Networking Fund, which uses a portion of the funds raised through the sponsorship of these events for various student and infrastructure projects in the faculty. As always, a portion of the funds also went towards supporting the Human Rights Social Justice Bursary Programs.

Beyond sponsored coffee house, my portfolio took me in a number of directions. This year's Speaker Series was well-received by both the students who attended the seminars and the Law Firms who became involved by providing a speaker. Again, firms from Québec, Ontario and the United States all took part in

this event which was capped off with a standing-room only crowd for Peter Hogg who discussed the judicial history of the equality provisions of the Charter. I believe this model for a week of speaking events can be built upon even further and developed to ensure interest and turnout.

Other sponsorship activities included Law Games, where a Montréal firm generously supported our uniforms. Skit Nite this year has been supported by a number of firms in Montréal and Toronto. The sponsorship of this year's event ensured that virtually all of the operating costs for the event were covered, allowing for the vast majority of the money raised from the event to be donated directly to charities. I was also responsible this year for coordinating the Graduation Photos with Jostens.

## Final Thoughts:

There has been some concern expressed that Sponsored Coffee Houses might eclipse the importance of Clubs hav-

ing the ability to run coffee houses and fundraise in this manner. Thus, given the success of the Lunch program, I believe that next year it might be possible to better balance the two initiatives to ensure that Clubs are given a sufficient representation at Coffee House, while also allowing the LSA to continue to develop the ever-important relationships with the law firm community both in Montreal and elsewhere.

It must be made a priority for the Grad Committee to ensure that it communicates with Jostens as early as possible (i.e. May of this year) to ensure that ALL students can have their photos done. Due to the lateness of discovering that no one was actually overseeing this task, some students who were on exchange were unable to have their photos done on time to be included in the Class Mosaic. This idea also extends to the Graduation Ball, which should be undertaken by the Grad Committee early on in the year to ensure a successful event. ■

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# LSA REPORTS

By Natalie Tabar (VP Internal)

**I**t has been an interesting year on the internal front. The job began early in the summer, as the VP Admin and I cleared out and reorganized the storage room downstairs. Highlights included the discovery of a freezer from the 1950s, two ancient computers, and a dungeon in the basement of OCDH. Ask for tours.

As September approached, I worked alongside a fabulous orientation committee to organize events for an intensive two-week schedule. Many thanks to Miguel, Marie-Christine, Angela and Plamen for their hard work.

Coffeehouse, the faculty's Thursday tradition, has been saved once again as we managed to secure a temporary liquor permit from the Régie for what may be the final year.

Changes in the Régie's rules, irresponsible actions by other faculties (hum hum - management - faculty of the year?!?), and concerns that CH is not effectively contained in the atrium (hence the extra security) will prove to be a challenge to next year's LSA.

A new beer contract with McAuslan Breweries has replaced the sub-par Molson products of old with a local Montreal brand and has allowed us to experiment with kegs.

Unfortunately for those who enjoy beer "on tap", the keg system proved to be troublesome, and we thus reverted to bottles. Any complaints about this decision can go to next year's LSA executive.

The establishment of Équipe CH - an email list of volunteers

- has also been a new initiative this year. Those who helped out more than once get to keep a nifty Équipe CH polo shirt. Thanks to all the members of the Équipe who helped every Thursday run smoothly - Danielle, Lindsay, Julie, Annie, Goran, Rachel, Francois, Walid, Efua, Lilly, Melissa, Vic, Monika, and Shaun, you guys were awesome.

This year, we also tried to increase club participation at Coffeehouse by having two clubs co-host each non-sponsored event. This has effectively helped raise attendance and increase community and club interaction. Special mention goes to APLAM, the Black Law Students Association, and the Aboriginal Law Association for going all out on their respective coffeehouse dates

and helping to foster a greater sense of community at the faculty.

I'm pleased to report that the LSA now owns a good quality microphone, ten plastic folding tables, and a cord that allows students to hook up their laptops/ipods to the atrium stereo. We are also hoping to acquire a dolly by the end of the year. We also held a great Halloween party and helped raise \$400 for Centraide with a loonie line.

One last thank you goes out to my fellow executives, who went above and beyond their required portfolios and made this experience a great one.

Thanks for a great year and good luck to the incoming VP Internal, Hillary Johnson! ■

By Kara Morris (VP Athletics)

**I**t has been an interesting year. The mission for this year's VP Athletics portfolio was better support for intramural sports, and no defaults at Law Games.

Intramural sports at the Faculty grew to over twenty law teams participating in sports from ice hockey to inner tube water polo. Intramural sign-ups at clubs day helped to introduce new students to faculty intramural sports. Two of our teams won championships in the fall in Ultimate Frisbee and Women's Volleyball.

The Malpractice Cup took place on October 1st during Homecoming weekend celebrations. Over fifty law students joined medical students in a day of sports challenges on "The Reservoir" in Tug of War, Dodgeball, soccer, Ultimate Frisbee, Touch football and a trivia challenge. Unfortunately this year's cup went to Medicine, but we'll be back next year! A barbeque lunch and wrap-up party rounded out the day. Many thanks to the Athletics Committee who helped the event run smoothly.

The Annual Staff-Student softball game was postponed three times this year and finally cancelled. An early date for next year's game would help to avoid outright cancellation next time.

We sent a team of fifty-eight law students to Law Games in Sherbrooke this year. Between the parties, sporting events and fun games, the team had a wonderful time. Highlights included fifteen members of the team being stuck in the hotel elevator for thirty minutes, and a heartbreaking loss

in the soccer final to the University of Toronto team. McGill's tour de force was Dodgeball, which we won three games to one in the final, also against University of Toronto. Our academics team placed fourth in the pleading and fourth overall, but blew the other teams out of the water (even the judges!) in the fifty-question knowledge test. The goal of NO DEFAULTS was accomplished by ingenious wake-up techniques. Thanks to Miguel for blowing an air horn first thing in the morning to get everyone out of bed.

# LSA REPORTS

The annual Stikeman Soccer challenge took place during reading break this year. Fifteen law students met lawyers from Stikeman Elliott in the Tomlinson Fieldhouse for a friendly and competitive match. After the match participants made their way to Thompson House for some informal discussion and match commentary. Thank you to Stikeman Elliott for their continued interest in sports at the Faculty and their generous contribution to the LSA

Athletics fund.

On March 4th, the annual Alumni hockey game was held at Brébeuf arena. A full bench of Alumni took on students from the Faculty's intramural hockey teams. The game was long and intense, with a 35 minute first period testing the stamina of each team. The Alumni goalie stopped many good chances by the students, holding them to a mere three goals. The Alumni came out hard with five goals over the

two hour game, and won this year's contest. The evening wrapped up with food and drinks at a nearby pub, and some good conversations between students and alumni. For next year's game it would be great to have more spectators to cheer on either side.

As VP Athletics I supported increased school spirit by administering sweatshirt orders throughout the year. Over 180 law sweatshirts now

grace the halls of the Faculty. I also made possible Law Athletics t-shirts from Malpractice Cup and Law Games.

My recommendation for next year is to make sure venues are booked as far in advance as possible, and communicate event details specifically to professors to give them the opportunity to attend events more often.■

By Stephanie Colford (VP Administration)

**M**y term in office began with organizing the LSA committee recruitment, which entailed scheduling interview times for close to 40 candidates while ensuring the process followed the procedure in By-law 4. As the liaison with LSA committees, I also sent them guidelines and was available to answer questions. In March, I organized Committee reporting to Council in accordance with By-laws 5 to 7.

Throughout the year, I set the dates for Council meetings pursuant to Part V of the LSA Constitution. I set the agenda for each meeting, posted it at least two academic days in advance and recorded the minutes during the meetings pursuant to articles 6.3 to 6.6 of By-law 1. In an attempt to include students in the issues discussed by Council, I have publicized the dates of the meetings, emailed the agenda to all students, and made it available on two bulletin boards at the Faculty along

with the minutes and additional documents. The approved minutes were also uploaded on the LSA website.

The LSA consistently relied on me throughout the year to inform them of the requirements in the LSA Constitution and By-laws. As the unofficial "keeper" of the Constitution, I had to ensure that all our actions were in accordance with our own statutes at all times. This past term, I also regularly communicated with the Constitutional Committee to suggest ideas for amendments.

My day-to-day duties have included being responsible for incoming and outgoing mail, making available to students the latest editions of The Lawyer's Weekly and L'Expert, distributing faxes to the LSA executives and writing down the messages from the LSA answering machine. I also recorded the minutes for executive meetings and was regularly available for office hours.

My goals in office were to promote bilingualism and improve communication through emailing regular LSA Notices. I therefore assigned the translation of the website to the Translation Committee, which they successfully completed in January. I then assigned to the committee the translation of the LSA Constitution, which they have completed and should be brought to a referendum in September. In order to relieve their workload, I did many of the day-to-day translations for the LSA. The LSA By-laws still need to be translated as required by article 42 of the LSA Constitution, and I highly recommend that next year's LSA undertake it.

The LSA has a policy of sending emails through the VP Administration's email account to announce LSA activities. I have therefore regularly sent consolidated bilingual LSA Notices and have encouraged students to communicate in both languages. Occasionally,

I have also sent last-minute messages on behalf of students or clubs because the LSA believes law students need to be aware of the many events organized at the faculty, even if it means sending another email. Additionally, I have posted LSA activities on the calendar of the Law Faculty website and have encouraged others to do the same.

Finally, I was in charge of the publicity for the LSA Awards Committee. I reformed the process by simplifying and consolidating the forms and allowing students to submit electronic copies through email. I was also a member of Faculty Council and attended meetings regularly throughout the year.

It was a pleasure to work with such a dedicated team this past year, and I wish the best of luck to my successor.■

# LSA REPORTS

By Hans Black (VP Clubs)

It has been great fun being the VP Clubs and Services this year. It was a busy year and with a number of major changes to the way the portfolio is run, quite a formative one too. All in all I think it was a successful year and that the hard work of this year's executive will prove to be a good foundation for further improvements next year.

This year, with twenty-seven different student groups, we have had a record number of clubs active at the Faculty. Eight new clubs were founded this year ranging from the ADR Working Group to a rebirth of the McGill International Law Society. Clubs have held countless events each week that have added substantially to the diversity of the law experience.

In the aftermath of last academic year's disagreement with SSMU over how to distribute clubs funding, Martin Doe and Andres Drew negotiated a new agreement over the summer. This new contract raised the total funds in the clubs budget to \$11,000 and created a parity committee to distribute the funds to clubs. (The LSA contributes \$5000

and SSMU \$6000.) The parity committee is composed of the respective VP Clubs, VP External and VP Finance of both organizations. Also for the first time this year, guidelines upon which funding decisions are to be made were drafted and posted on the LSA's website along with all other relevant forms for clubs. The end result has been that significantly more funds have been allocated to more clubs this year than ever before.

The parity committee has proven in my opinion to be an effective means of distributing clubs funding. Having a dedicated committee to look at clubs funding has allowed for careful consideration of all decisions and made the process more efficient. In conjunction with the new guidelines endorsed by the LSA, I believe we have made the funding process much less arbitrary.

This year is the second year that the LSA has administered the Dean's Discretionary Fund (DDF) on his behalf. In an effort to institutionalize this function in an open and accountable fashion, the LSA created a committee to review all applications and make

determinations upon them. The committee was composed of the VP Clubs, VP Finances and one member of Council (Ryan Anderson). The LSA again took the initiative here to create and publish guidelines for how funding decisions will be made by for DDF. The DDF this year has distributed \$12,000 to a broad array of student initiatives and groups.

This year there were thirteen clubs coffeehouses and as demand for them was so strong, all clubs were asked to share a coffeehouse date with another club. This was a positive development in that it helped boost turnout for clubs coffeehouses all year long. Clubs have in my opinion done a fantastic job of putting these coffeehouses on.

On the services side, the CPO has been in a year of transition that has sadly seen the moving on of Brigitte St-Laurent who had over the last few years done a fantastic job of expanding the offering of CPO and creating the service that we have now. With two new talented law grads taking over at the CPO, I am very excited about the potential for significant further improvements and expansions to the

services offered. This will clearly be one of the major talks for next year's LSA.

The Computer Committee has devoted most of its attention this year to having wireless service extended into the classrooms. Thanks to the committee's hard work and support from the Dean, there should be much enhanced wireless service in all the classrooms of NCDH by the beginning of Fall term.

Working together with Joe Hillier, who did a tremendous amount of work helping to get the Bogenda ready and organizing all of the sponsorship for it, we completely redesigned the product and added the photos of first-years.

This is just a few of the things that I have worked on as a part of this year's executive. All in all, it has been a very productive year that I think everybody can be very proud of. I am confident that next year's VP Clubs and Services will build upon this base to do even more. It has been a great amount of fun working with my fellow students this year and I am grateful for the experience. Thank you!■

"Law school taught me one thing: how to take two situations that are exactly the same and show how they are different."

-Hart Pomerantz

# The Sunshine article

## What if we started thinking about our lives more like law...

by Alison Glaser (Law I)

### Ali vs. Her husband

**Facts:** Ali had an important exam to write. Her husband had a bad cold and coughed all night long. Ali did not sleep and did poorly on her exam.

**Issue:** Is her husband liable for the stress and unhappiness doing poorly on the exam caused Ali?

**Held:** Yes. Compensation will be paid in the form of dishes being done for an entire week.

**Reasoning:** Ali's exam is clearly more important than the pain being caused by a cough. It is unimportant that one cannot help having a cough. Her husband should have taken better drugs to stop coughing or possibly worn a mask in order to avoid germs.

**Rule:** Be prepared to do lots of household chores if you keep your partner up at night.

### Jen vs. Annoying People on the Bus

**Facts:** Jen was happily riding the bus to school since she does not live right across the street from the faculty. Some stupid people get on the bus and do the following annoying things: wear their backpacks so no one can get around them; sit on the outside of two seats so no one can sit in the inside seat; talk very loudly on their cell phones; ring the bell when they have no intention of getting off. Jen gets very annoyed and is in a bad mood

all day.

**Issue:** Are the annoying people liable to Jen for her bad mood?

**Held:** Yes.

**Reasoning:** Annoying people are dumb and everyone knows that those things are a pain for people on the bus. Plus, the STM has provided us with helpful cartoons which inform us that these activities are annoying.

**Rule:** Annoying people on the bus should be shot.

### The coffee shop vs. Steve

**Facts:** Steve goes to his favourite coffee shop every morning and gets a double espresso. On Thursday, he paid for his coffee and got back \$0.50 in change. Remembering that he must do laundry later, he kept the money rather than putting it in the tip jar. The coffee shop worker objected and told Steve he must give the money as a tip.

**Issue:** Does Steve owe a tip to the coffee person?

**Held:** No. Who tips in coffee shops anyway?

**Reasoning:** The tip is an institution that has existed in our society since Jacques Cartier's time. Although it is an old and revered institution, it has traditionally been used in contexts where people do a bit

more than pull a lever and pass you a cup. Furthermore, it has never been a necessity to give a tip. In our capitalist society, Steve can do what he wants with his money. He owes the coffee person no duty of tip.

**Rule:** Coffee shop owners should pay their workers a bit more.

### Cedric vs. The Faculty

**Facts:** Cedric wants to go to the gym to promote his wellness. Unfortunately he cannot do that since he can't fit his gym bag into his miniscule locker provided by the Faculty.

**Issue:** Is the Faculty liable for Cedric's loss of enjoyment due to his locker issues?

**Held:** Yes. Only a leprechaun can use those lockers effectively.

**Reasoning:** Lockers are made to put stuff in. It is impossible to put anything in the lockers at the Faculty, therefore they should accept all the consequences from this logical fallacy.

**Rule:** Steal lockers from the grad students.

### Andrea vs. The Professor

**Facts:** Andrea had an appointment with her professor and waited for 45 minutes before giving up and going home.

**Issue:** Is the professor liable for the loss of Andrea's time?

**Held:** Yes. The professor should compensate her by giving her a summer job.

**Reasoning:** Professors are busy but Andrea is a really nice person, so there is no

reason to make her wait. A post-it note on the door would have been sufficient notice that he could not make the meeting.

**Rule:** Be nice to Andrea.

### Ali vs. Her brain

**Facts:** Ali would like to have a normal life but her brain keeps intruding by seeing tortious things everywhere and making up dumb law jokes all the time. Sometimes she even dreams about making contracts and in her dream runs around saying "where is my consideration"? Furthermore, Ali found herself very excited by websites that allow her to discover which Supreme Court Justice she is most like. Ali can also no longer plan anything with any of her law friends without asserting that their plans are not guarantees or warranties. Ali's non-law friends, basically, want to kill her.

**Issue:** Is Ali's brain liable to Ali for making her really annoying?

**Held:** Sadly no. Ali chose to come to law school, so must accept all the consequences that follow.

**Reasoning:** Ali must accept her loss of coolness as it lies.

**Rule:** Going to law school may make you into a bit of a dork, but you must learn to love it!

**N.B.:** the characters in this article are fake. Any resemblances to real life people are purely accidental. Don't sue me. This hereby exonerates me from all liability. ■

# CANADIAN JEWISH LAW STUDENTS CONFERENCE 2006: A Fun and Enlightening Weekend in Ottawa

by Rob Steinman (Law I)

Several of us - namely Jon Ostrega, Chana Edelstein, Joanna Myszk, Shaya Silber, Ilir Orana, Matt Maloley, Yury Smagorinsky, Karen Zeitouni, Kim Moss, Shaun Gluckman, Adam Cieply, Yoni Petel and I - traveled to Ottawa in mid-January for the Canadian Jewish Law Students Association annual conference.

After having arrived in our plush rooms at the Chateau Laurier, we made ourselves comfortable. Assessing the mini-bar and snack situation, we quickly came to the conclusion that the provisions were too pricy for "poor" students such as ourselves, and proceeded to look forward to the free food that was to be provided at the conference. But more than free food and drink, our attendance at the conference allowed us to network with other law students across Canada who share similar interests. While students from the many schools who were represented seemed to be spending the bulk of their time with their school colleagues, the events over the weekend provided ample time to chat, socialize, and discuss the issues on the table.

The fact that the meeting was held in Ottawa was quite enjoyable from a scenic point of view. Upon our arrival to the Fairmont Chateau Laurier we were warmly greeted by both the staff of the hotel, and the organizers. We received a comprehensive package detailing the upcoming events, and so our journey began.....

The first event consisted of a meet-and-greet with the organizers and fellow participants. It was a friendly crowd consisting of students from all over Canada.

We then proceeded to the grand hall for the night's main event: the welcome dinner. Not only were we wine and dined, but the night featured a healthy dose of prominent and interesting speakers, including the all-star himself, Irwin Cotler.

## Tikkun Olam

This Hebrew phrase means something like "repair the world" and it served as the overarching topic-indeed the title-of the conference. One after another, prominent speakers-mostly Jewish lawyers, politicians and policy types-attempted to fit their remarks into the

mold of Tikkun Olam, some with more success than others. On Saturday, Ambassador Alan Baker of Israel spoke of the varied efforts of the State of Israel to put this Biblical concept into concrete action. He spoke of the tendency of some forces around the world-forces that, justifiably or not, have a bone to pick with Israel-do not appreciate or at times do not even acknowledge the contributions of Israelis to international humanitarian efforts. The most eloquent words on the subject of Tikkun Olam came from the then Minister of Justice.

## The Honourable Irwin Cotler's Remarks

In a speech that solidified his well-established reputation as a great source of inspiration to law students in particular and the public in general, Cotler continuously urged the students in attendance to feel empowered to take the struggle against injustice into their own hands.

Mr. Cotler outlined concrete examples of how students might participate in the cause of social justice. In the same-sex marriage reference, for example, students were invited to

appear before the courts and before a parliamentary committee. In the landmark case of Keegstra, in which the Supreme Court condemned hate speech, Cotler pointed out that one of the deciding factors in the judgment came as the result of a factum that he filed with the assistance of a McGill law student at the time.

When he spoke of what he called "a silent tsunami" in Africa and "genocide" in Darfur, Cotler's passion resonated most strongly: "We are witnessing a silent tsunami in Africa every week. Between now and next Shabbat, 130,000 people will die in Africa. Do you hear anything about it [in the media]?"

Firing off horrifying statistics on the pervasiveness of poverty and mass atrocity in Africa, Cotler reminded students of the words of Edmund Burke, who said, "The surest way to ensure evil will triumph in the world is for enough good people to do nothing."

We, as law students, must sound the alarm. Unlike politicians, we can speak with a moral voice that will be respected.■

# Inedible Words, Ineffable Hunger: Inspired by the CJLSA conference on "Tikkun Olam" - Repairing the World

by Chana Edelstein (Law II)

*"It is not incumbent upon you to complete the work; yet, you are not free to desist from it"*

(Chapters of the Fathers 2:16)

I attended a conference in Ottawa a month or two ago. It was the theme of the CJLSA conference that prompted this article. The stated topic was the Hebrew phrase of "Tikkun Olam" which means "to repair the world". Many notable speakers told of their efforts, big or small, to achieve that goal. Their words were inspirational and I wanted to share them, as well as my own thoughts on the subject. Unfortunately, every time I tried to commit their words to paper, the feeling behind my own words remained elusive. Individuals such as the former Justice Minister, deans of various faculties of law in Ontario, a judge of the Ontario Court of Appeal, the president of the Law Commission of Canada, the Québec Minister of Revenue, and many others, who have achieved so many concrete successes talked about Good and sounded brilliant and accomplished. I managed to sound hopelessly boring. This article would have died an early and undignified death had I not finally identified the illness I suffered from. This illness was fear; the fear that my own earnest mes-

sage of idealism would be vanquished by the cool and smooth cynicism of highly educated, intelligent and critical individuals.

So, my article took an alternate route, though I hope it arrives at the same point. It became this:

Since I was about five years old, my family would go camping. By the time I was reached sixth grade, I had hiked, canoed and tented through nine of Canada's magnificent provinces and a few of the northern US states. I gained in many ways from those wonderful trips an appreciation of Canada, of vast wildernesses, and of my family. I learned many valuable lessons, but there is one that stands out in my mind and I'm certain that I will remember it forever.

I was ten years old and we were climbing a steep trail leading to the tea house in Banff National Park. On an impulse, I stepped off the dirt trail onto the mossy undergrowth that grew along the side, intending to continue my hike on the spongy shoulder. My father turned to me and told me rather sharply to stick to the trail. I was somewhat hurt and responded that one person couldn't harm the vegetation. My Dad said: "Really? What if everybody said the same thing?" I

thought about what he said for the next few hours that it took to complete the climb. I decided he was right and I haven't strayed off a trail since.

To me, idealism means holding the belief that each person's actions matter; every single action, always. I have encountered much cynicism and it has taken many forms. You might recognize this popular form: the well-intentioned warning "don't think you can change the world" followed by a wiser-than-you and world-weary smile. Since my entry into law school, the cynicism has taken a new and, I believe, a more insidious form. It is cloaked in the jaded comments about the inability of 'the law' to achieve much, if anything at all.

Cynicism is not attractive. It is not polished, nor wise or mature. It does not reflect the absence of naïveté, nor is it the product of a healthy dose of realism. Whatever the façade, whatever the gloss, these words amount to the same thing. Cynicism - discouraging, condescending, destructive, dare I say it, selfish - cynicism.

I am not so foolish as to believe that I can solve the world's problems. But neither can I adopt the view that I, in my chosen profession, can do nothing to bet-

ter it. Law is not an independent being. It does not breathe. It does not think. It cannot act on its own. It is people, individuals, you and I, who create, enact, apply or simply allow it to be. We are the responsible ones. If change is needed, we needn't look too far. Telling oneself that "that's the way the world works", telling oneself that one action cannot undo thousands, millions of others, is selfish because it allows one to comfortably buy into an unsatisfactory status quo.

One thing that truly bothered me from my very first week in school was to see the privileged wasting money. To have firms that are able to afford to provide so much beer and wine, hire a caterer and a band, just to wine and dine students seems to me an unforgivable waste of money. Has anyone ever asked those lawyers how much pro bono work they do, how much charity they give (proportionately to how much they earn)? And charity does not consist of giving away free mugs, Frisbees or cereal boxes to up and coming employees. We should be wary of becoming too comfortable with the reality of law school and work as to forget that there exists a very different reality in lives of many others. Every one of us is in a very privileged position where we will have

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the power to affect individuals, their families, communities or great masses of faceless beings. Even those who go into corporate law and do not work with vulnerable clients should not forget that in our world of economic despotism, big companies greatly influence the lives of many.

So next time you feel the impulse to be cynical about your ability to make a difference, consider who you are and what you are doing. We are young, North-American law students. Some might say that we are the most powerful figures in the world because, with those combined attributes, we hold the potential for change right in the palm of our hands. Before you dismiss your power to single-handedly effect change, think of a vulnerable client to whom a few well-chosen words of empathy or explanation can make a world of a difference.

A few weeks ago, a woman called me at the McGill Clinic. She was being abused by her husband and her children had been taken away. The saddest thing for me to hear was this: she was afraid, not only of her husband and community but of a system that did nothing to protect her. The court system for her was not composed of legislation or jurisprudence; it was her experience with individuals and their attitudes towards her and her suffering that evoked such crippling fear.

Still not convinced that you can make a difference?

Consider these astonishing facts:

A family of 13 in a remote village in Bhutan survives on \$US 5.03 a week. A Sudanese woman and her 5 children, living in a refugee camp in Chad, have to manage on primarily millet flour coming to \$US 1.23 a week.

A family of four in Cuba receives government subsidized food that comes to \$US 56.76 a week while they only make \$US 15.00 a month. An Egyptian family of twelve lives on vegetables and meat for \$US 68.53 a week. And this: a jaw dropping, astounding figure - a German family of four purchases food and drink for one week worth \$US 500.07!

(Hungry Planet: What the World Eats, the examples I give here were presented in the Doctor's Review, Jan. edition)

You and you alone have the potential to feed a family for a week, even a month for the price of one meal you buy at Pino's or one beer you purchase at Coffehouse.

So, present your cynicism to the family in Bhutan. Tell the family in Chad that you can do nothing. Tell the battered woman that as a

lawyer you cannot help her; that you cannot even spare a few hours to listen to her story. Tell that to your planet Earth that is weeping for want of a few more people to truly care.

Tell it to yourself and see if you really believe it.

Here are some organizations that would be very grateful to get a percentage of your lunch money:

[www.cafb.ca](http://www.cafb.ca)  
[www.canadianfeedthechildren.ca](http://www.canadianfeedthechildren.ca)  
[www.mazoncanada.ca](http://www.mazoncanada.ca)  
[www.childrensemergency-foundation.org](http://www.childrensemergency-foundation.org)  
[www.foodgrainsbank.ca](http://www.foodgrainsbank.ca)  
[www.thehungerproject.ca](http://www.thehungerproject.ca)  
[www.sierralegal.org](http://www.sierralegal.org)  
[www.cwf-fcf.org](http://www.cwf-fcf.org)

Thank you Dean Kasirer for funding our attendance at the CJLSA conference. It was wonderful, inspiring, and reviving. ■

# Make mountains

MOLE course evaluations on Minerva until April 3rd

# FOUNDATIONS OF COMPARISON

By Matt McCamus (M. Sc. Statistique, Université de Montréal, but friend of McGill law students)

Statisticians are sad lonely people. Their ideas of respectable dress would stretch the casualness even of most "casual" Fridays. Their conversation is generally unenlightened and perfunctory. Their personal hygiene can be deplorable, and they may be very ugly as well (be forewarned). Why are they such a sad lot? Hard to say really. It's difficult to separate symptom from cause. So, you ask yourself, why has this inferior caste not gone extinct? Answer: "the numbers, man."

Though far less colourful and supple than words, numbers have a way of being extraordinarily useful. Many law students are likely the types that have an aversion to math in all forms, yet some may be very comfortable. The former may very well wish to accrue some friendliness with the numerical arts so that they are better able to count the dollars they ring - ahem, pardon me, count the lives they change - later on in their careers. In the mean time, there are some numbers in which all can take a very mutual, if antagonistic, interest. The grades, man.

I was asked by my roommate to have a look at the grades from this year's Foundations of Canadian Law course, as they have purportedly stirred some kerfuffle. The basic dilemma is that the grades from the course, being divided

up into three sections, are noticeably lower in one section. How could this be? Could there be some inconsistency in the grading or teaching between sections? This is exactly the kind of question that statistics can begin to answer, and I have done a lazy job of beginning to answer it. Nonetheless, the results are worth a peek.

First, I should set this up a bit. To compare the grades from the different sections, I have used a very basic statistical test called "the analysis of variance" (ANOVA). This is a fancy name for a test that essentially just compares the averages from different samples. In this case, we have three samples, i.e. the sections. The ANOVA's job is to tell you if the averages are "really" different, as opposed to "not-really-so-very" different, between the three sections. Explaining what that more precisely means could get a little hairy, but here's an attempt...

Imagine that you could collect everyone who ever went to McGill Law on the lower field, and avoid some resultant massive assault on the said location. Let's randomly select three course-sections' worth of students from the ocean of lawyers, then make them take Foundations (all from the same teacher, say) and see how they do. Even though we would expect the average of each sec-

tion to not be drastically different, it would be preposterous to suggest that the averages be exactly the same. A certain amount of variability or difference between the section averages is to be expected "just by chance" even if every student got exactly the grade they deserved. One section might happen to have a few more smart people than another, so a higher average grade. Therefore, if we wish to suggest that any two sections have averages that are unseemly different, we first have to try to rule out the possibility that the observed difference could reasonably be expected to arise by chance.

How exactly does one do that? Our principal tool (via the ANOVA) is called the "p-value". Basically, the smaller the p-value, the greater the evidence that there's something funny going on. This is because the p-value represents an estimate of the likelihood (the probability) of observing what we have, under the assumption that any difference between the sections has arisen, as I've been saying, "just-by-chance" (this is called sampling error). So if the p-value is "small enough," our observation is so unlikely that we are led to think that our assumptions might be wrong, i.e. that there must be some outside or systematic reason for the difference in the grades.

The ANOVA p-value for this year's foundation course is 0.000008. This is extremely small. It says that if a priori, there's no reason for the grades between sections to be very different, you would only see a difference as big as was observed this year, about once in 100,000 tries. For the sake of comparison, here are the p-values computed for several other multi-section courses this year and last: (0.657, 0.934, 0.148, 0.017, 0.545, 0.021, 0.032). These correspond to: (Foundations '04, Civil Law Prop. '05, Civil Law Prop. '04, OBS/Torts '05, Adv. Civil Law Obs. '04, Constitutional '04, Contracts '04). The last two p-values were "small" (often small is taken to mean  $< 0.05$ ), and yet they are both on the order of 10 000 times bigger than the p-value for foundations '05. Clearly, this is more than sampling error.

What are the different ways that the sections could be influenced to have systemically different averages? The scientific way of proceeding is to ask what else is different between the sections (other than grades themselves). For one thing, the sections are composed of different sets of students. The fact that the classes are different is where we get the idea of an inherent or expected "variability". However, we've rejected the idea that the differ-

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ence in grades is explainable just by that. Of course this is assuming that there's no systematic difference in the selection of students in the different sections, i.e. that they are each a random sample of McGill Law students. This may not be a fully valid assumption if, for example, the sections are delineated by name, (anyone who thinks there's nothing in a name should read Steven Levitt's *Freakonomics*). One the whole this is nonetheless unlikely to pose a real problem. We may also wish to consider the time of the class, and the quality of the lecture room. If these are not constant, they could have a confounding influence. The only other distinction to make between the sections is based on teacher. In my opinion, there's reason to believe that the difference in the grades is due not only to a differently composed class and other factors, but also differently grading/instructing teachers.

It should be qualified that sometimes the numbers fail us. Genetic matching probabilities nearly threw O.J. Simpson in jail for the murder of his wife, however he has been cleared of all (criminal) wrongdoing. Atmospheric scientists modeling the climatic change on earth nearly had the U.S. government duped, spouting numbers that told fairy tales of global surface warming. Again in the U.S, the 2001 presidential election clearly recorded a statistical majority support for the Democratic Party, when it was plain to all that a majority of the American

support, more convincingly embodied by their Supreme Court, rallied to a Republican mandate. Yes, alas, there still seems to be a role for discerning legal judgment, even in

the mathematical arena. I should probably be thanked, after all. What good would a lawyer be if he couldn't improve on the answers of reclusive computer geeks with no sense

of fashion?

By the way, does anyone else have a problem for me? I think I'm starting to perk-up. ■



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TORONTO MISSISSAUGA WATERLOO MONTRÉAL

# CALL FOR SUBMISSIONS:

## "Disorientation: A Guide for Law Students"

by Tatiana Gomez (Law I)

The McGill Radical Law Community needs submissions for "Disorientation: A Guide for Law Students". Disorientation will provide critical and dissident viewpoints on legal education, legal culture and careers in law. It will seek to demystify the first-year experience for law students and provide integral survival information to help students sustain their aspirations and not lose themselves in the competitive and big firm-oriented culture that unavoidably permeates the Faculty. Disorientation is about lawyering for social justice.

Possible submission topics are:

1. History of Local Legal Activism
2. Why it is Important to do Activism as a Legal Worker or Student?
3. How to Survive Law School with your sanity and principles intact:  
Survival stories - Student testimonials
4. Legal Indoctrination - Career Days, Coffeehouse, Thompson House  
and Lawbuzz
5. I know Nothing About the Law - Where do I start?
6. Being a Legal Worker and Supporting Social Struggle
7. Diversity, Identity Politics and Law School
8. Making Changes at McGill's Faculty of Law
9. Law School and your Growing Student Debt
10. Work, Family, and Life outside of Law School
11. Law School and Stress: You can make it
12. Beyond the Firm: "Alternative" forms of Law Practice
13. Contact Info for Activist Clubs at McGill
14. Contact Info for Community and Activist Organizations in Montreal

Interested in submitting on this or any other topic? Please get in touch by April 1st at [lawdisorientation@gmail.com](mailto:lawdisorientation@gmail.com).

Disorientation will be produced during May and June, but submission proposals are requested now. Submitted texts should not exceed 900 words.

Other ways to get involved: help out with translation, research, editing, or lay-out.

# Dancing Beneath the Star Decists

Ticket Price \$105

## Time

Cocktails	6:30
Dinner	7:30
Dancing	9:30

# April 1<sup>st</sup>

Watch for tickets being sold in the Atrium! Tickets will be available to students who graduated in Dec. 2005, or who are graduating in April 2006 or Dec. 2006 until Thurs., March 16. All students will then be able to purchase tickets until Monday, March 27



## What do you get?

- Cocktail and hors d'oeuvres to the sounds of Tempus Fugit
- 4 Course Dinner with choice of wine
- Dancing until the wee hours
- All beverages included in the price ( i.e opened bar )

Special hotel rates available!

Montreal Intercontinental Hotel (360 Rue St-Antoine Ouest)